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A CASE STUDY: LAND ACQUISITION CHALLENGES IN DPWH ROAD PROJECTS

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ABSTRACT----------
This study examines the challenges faced by the Department of Public Works and Highways (DPWH) in land acquisition for road projects, particularly the Bauang diversion road. Key issues include slow paperwork processing, inadequate landowner consultation, resistance to selling land, and legal complexities involving unclear property titles. Despite the implementation of Republic Act No. 10752, which aims to streamline the process, bureaucratic inefficiencies and public opposition persist, particularly in rural areas. The study recommends enhancing collaboration with local authorities, developing a comprehensive land acquisition management plan, and improving communication strategies to ensure a more efficient and transparent acquisition process, ultimately leading to timely project completion and better infrastructure development
KEYWORDS: *Land Acquisition, Bureaucratic Inefficiencies, streamline, Legal Complexities----------*

INTRODUCTION

Land acquisitionn is a critical component of road projects led by the Department of Public Works and Highways (DPWH) in the Philippines. These projects are essential for improving national infrastructure and connectivity. However, land acquisition often faces numerous challenges. First, issues related to land ownership can complicate the process. Many properties have unclear titles or are co-owned, making negotiations difficult (Aldecoa, 2020). This can lead to disputes among stakeholders. Second, compensation for land is frequently a contentious issue. Landowners often seek prices that exceed government valuations, resulting in negotiations that can stall projects (NEDA, 2021).

Public resistance is another major challenge. Local communities may oppose road projects due to concerns about displacement, loss of livelihoods, or environmental degradation. This opposition can delay project timelines significantly (Barangay Council, 2022). Bureaucratic processes further complicate land acquisition. Securing the necessary permits and clearances can take a long time, adding to the overall duration of projects (DPWH Report, 2023). In some instances, inadequate planning before the initiation of projects results in overlooked land use considerations. Communication with affected communities is often insufficient. Lack of engagement can lead to misunderstandings and increased opposition from residents (Reyes, 2021). Legal disputes can also arise, with landowners contesting acquisition decisions in court.

In rural areas, traditional land use patterns present unique challenges. Many residents do not have formal titles, complicating the identification of rightful owners. This ambiguity can result in claims and counterclaims that further delay acquisition efforts (Land Management Bureau, 2020). Economic impacts on local communities must be taken into account. Road projects can disrupt livelihoods, especially in agriculture-dependent regions. Therefore, careful consideration of local economies is essential (Sison, 2021).

Also, ineffective policies can obstruct the process of land acquisition. Current frameworks may not sufficiently address the intricacies present in both urban and rural environments (DPWH Policy Review, 2023). It is essential to streamline the acquisition process to reduce conflicts and accelerate development. The significance of engaging the community cannot be underestimated. Involving local stakeholders in the planning phase can result in improved outcomes and diminished resistance (Quimpo, 2022). Open communication is crucial in building trust between the DPWH and the communities affected.

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Land acquisition challenges in DPWH road projects arise from legal, social, and economic factors. Addressing these challenges is vital for successful infrastructure development. Improved policies and community engagement strategies can help facilitate smoother acquisitions, ultimately leading to enhanced national connectivity.

Review of Related Literature

Republic Act No. 10752, commonly referred to as the "Right-of-Way Act," was implemented in the Philippines to facilitate the acquisition of land for public infrastructure projects, including roads and bridges. It establishes clear protocols for assessing the fair market value of properties, compensating landowners, and putting procedures in place for expropriation when an agreement cannot be reached. Before this legislation, the processes for acquiring land were often prolonged and ineffective, resulting in delays in infrastructure development. Research on RA 10752 discusses various elements, including its objectives to hasten the right-of-way process and the functions of government bodies like the Department of Public Works and Highways (DPWH) in its execution. Nonetheless, challenges persist, such as delays caused by bureaucratic inefficiencies, disputes over compensation amounts, and resistance from landowners. Research has highlighted issues such as corruption and mismanagement that could compromise the effectiveness of the law. Although some assessments indicate that projects have been completed on schedule, others have reported notable delays due to unresolved right-of-way matters. Comparative studies reveal that while RA 10752 has enhanced the acquisition process to earlier laws, inefficiencies remain preventing it from reaching its full potential. Experts advise that property valuations should be expedited, compensation mechanisms improved, and amendments made to tackle these weaknesses. A review of the literature regarding RA 10752 emphasizes the law's significance in promoting infrastructure development, while also advocating for continual enhancements in its implementation to ensure it effectively supports public projects (Republic of the Philippines, 2016; Dela Cruz, 2020).

METHODOLOGY

Research Design

The land acquisition challenges in Department of Public Works and Highways (DPWH) road projects are closely investigated in this qualitative case study. By employing a qualitative approach, this study deeply explores the specific legal, procedural, and social challenges encountered in DPWH projects. It aims to understand the individual and systemic issues that impact land acquisition efficiency and timeliness. Selected DPWH road projects will be scrutinized to extract relevant insights. This approach allows for the examination of a variety of project sizes, locations, and stakeholder involvement. The design of this study is tailored to capture the intricacies involved in land acquisition within government road infrastructure projects.

Respondents

Participants such as DPWH officials, legal researchers, engineers, and landowners will be fully briefed on the study's purpose, procedures, potential risks, and their rights, with formal consent obtained beforehand. All collected data will be kept confidential, and participants' identities will be anonymized to protect their privacy. Sensitive information will be handled transparently, allowing participants to withdraw at any time. Ethical guidelines, consent templates, and data privacy policies will guide these practices.

Instrument

The study used several qualitative instruments to gather data on the land acquisition challenges encountered in DPWH road projects. A document review checklist was utilized to examine existing DPWH policies, legal guidelines, and the required documents for right-of-way processing, including those from agencies such as the BIR and LRA. This helped the researcher understand the procedural requirements and timelines involved in land acquisition. In addition, a semi-structured interview guide was used to collect insights from DPWH officials, legal researchers, engineers, and affected landowners. The guide allowed respondents to share their experiences regarding delays, communication issues, and legal obstacles while ensuring that all essential topics were consistently addressed. Field observation notes also served as an important instrument, as the researcher conducted on-site visits to observe actual procedures, validate documents, and witness interactions between DPWH personnel and landowners. These observations provided first-hand information that supported and clarified the data gathered from interviews and documents. Thus, these instruments enabled a comprehensive understanding of the land acquisition process and the challenges faced during the implementation of the Bauang diversion road project.

Data Gathering Procedure

For data collection, the study will involve document reviews (checklist of requirements), interviews, and field observations. DPWH legal guidelines and land acquisition policies will be reviewed to understand existing procedural frameworks. This will be followed by semi-structured interviews including DPWH officials, legal researchers, project inspectors, engineers, and landowners. Participants will be chosen based on their involvement in recent DPWH road projects, ensuring relevant and varied insights. Interviews will gather personal experiences, challenges, and insights directly related to land acquisition processes. The study will adhere to ethical protocols to ensure participant safety, privacy, and informed consent.

Data Analysis

This case study analyzes the land acquisition challenges in DPWH road projects. Land acquisition often faces significant challenges that can delay or even derail construction. One of the primary problems is the complex process of securing required documents in acquiring land. This study uses a qualitative data approach and further considers how personnel skills affect the outcome of those challenges.

Although the right-of-way agents are skilled in the basic acquiring of land, the study results show that there are still issues that need to be addressed. According to the Legal Researcher of the La Union Team, the processing alone is an issue because there are documents that are difficult to secure in other agencies and take a week to obtain.

Another concern addressed in the case study is the difficulty in acquiring the necessary signatures from property owners. Landowners must sign permits to authorize access to their land for road construction but frequently do not attend public consultations or engage in the process, creating an impediment to progress. This lack of involvement from landowners complicates the acquisition, as the absence of signatures hinders the completion of legal and procedural steps.

The analysis concludes that while right-of-way agents have essential skills, enhancements are needed in both the organizational framework and the procedures related to land acquisition. More effective systems, clearer communication with property owners, and improved coordination among various government entities could aid in minimizing delays and ensuring the smooth progression of projects. Furthermore, boosting personnel training in aspects such as negotiation, stakeholder engagement, and familiarity with legal procedures could lead to improved results and further alleviate the difficulties surrounding land acquisition.

RESULTS AND DISCUSSION

One of the main findings in the case study, specifically in the processing of papers, is the slow and sometimes complicated paperwork process. Landowners whose lots and structures are affected need to secure the required documents (see Annex A & B). These required documents may slow processing, like in BIR it takes 1-2 weeks before you get the electronic authorizing registration. In LRA, the processing may take 1-2 months and it should be registered and annotated in the title. Second, landowners are not adequately informed or consulted as some affected are not attending public consultation also leads to confusion and errors, causing further delays. Third, landowners sometimes refuse to sell their land, especially in agricultural areas, land is not just a physical asset but a part of their identity and the source of their livelihood.

Moreover, landowners with free patents shall further be subject to a right-of-way not exceeding sixty (60) meters in width for public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines, and similar works as the Government or any public or quasipublic service or enterprise, including mining or forest concessionaires, may reasonably require for carrying on their business, with damages for the improvements only. (Section 112 of Commonwealth Act 141 of 1936). Consequently, patents or certificates issued under the provisions of this Act shall not include nor convey the title to any gold, silver, copper, iron, or other metals or minerals, or other substances containing minerals, guano, gums, precious stones, coal, or coal oil contained in lands granted thereunder. These shall remain to be property of the State. All persons receiving title to lands under the provisions of this Act (Commonwealth Act 141) shall hold such lands subject to the provisions hereof and to the same public servitudes as exist upon lands owned by private persons, including those with reference to the littoral of the sea and the banks of navigable rivers or rivers upon which rafting may be done.

With regard to the taxes and fees relative to the transfer of title of the property to the Republic of the Philippines through negotiated sale, the implementing agency shall pay, for the account of the seller, the capital gains tax, as well as the documentary stamp tax, transfer tax and registration fees, while the owner shall pay any unpaid real property tax. If requested by the property owner, the implementing agency shall remit to the LGU concerned the amount corresponding to any unpaid real property tax, subject to the deduction of this amount from the total negotiated price. Provided, however, that the said amount is not more than the negotiated price. The property owner and the implementing agency shall execute a deed of absolute sale: Provided, That the property owner has submitted to the implementing agency the Transfer Certificate of Title, Tax Declaration, Real Property Tax Certificate, and other documents necessary to transfer the title to the Republic of the Philippines. The implementing agency shall cause the annotation of the deed of absolute sale on the Transfer Certificate of Title. (RA 10752)

However, DPWH provides clear guidelines (the Right-of-way Act, or Republic Act No. 10752) for acquiring land for road projects. This law has streamlined the acquisition process, making it more structured and predictable. It provides specific procedures for determining the compensation of affected landowners, including clear timelines for processing claims, helping to reduce delays. DPWH has increasingly emphasized the importance of community consultation and socialization efforts before initiating land acquisition for road projects. DPWH has utilized mediation and negotiation strategies to resolve disputes with landowners and affected parties.

CONCLUSION

Land acquisition for DPWH road projects faces several significant challenges that delay progress and increase costs. Issues such as slow paperwork processing, inadequate consultation with affected landowners, and resistance from local communities are major obstacles. These challenges are often exacerbated by legal complexities, unclear property titles, and bureaucratic inefficiencies. However, the implementation of Republic Act No. 10752 has improved the land acquisition process by providing a clearer framework for compensation and timelines. Despite these efforts, the system still struggles with delays and conflicts, particularly in rural areas where land ownership is often informal.

To address these issues, the study recommends enhancing collaboration with local authorities and other agencies involved in land acquisition. A more structured and transparent land acquisition management plan that includes clear responsibilities, timelines, and communication strategies would help streamline the process. Regular monitoring of the land acquisition steps is crucial to ensure that emerging problems are identified and resolved promptly, ultimately improving the efficiency and effectiveness of road projects in the Philippines.

RECOMMENDATIONS

Strengthening convergence and collaboration with local authorities and other government agencies responsible for land acquisition is essential, as such coordination can streamline procedures and help address legal or bureaucratic challenges that may arise throughout the process. In support of this, preparing a Memorandum of Agreement or a formal letter that identifies the list of claimants to be submitted to the concerned agency can facilitate the prioritization and processing of required documents, thereby ensuring smoother transactions. Furthermore, developing a comprehensive land acquisition management plan that clearly outlines the steps, responsibilities, timelines, and communication strategies involved in the acquisition process can promote a more systematic and transparent approach to addressing challenges across the project lifecycle. Regular monitoring and evaluation of this plan are also important, as these allow for the timely identification and resolution of emerging issues.

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